

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT (PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 14975-7PCT	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/CA2004/001754	International filing date (<i>day/month/year</i>) 28 September 2004 (28-09-2004)	(Earliest) Priority date (<i>day/month/year</i>)	
Applicant MPB COMMUNICATIONS INC. ET AL			
This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.			
This international search report consists of a total of 3_ sheets.			
<div style="margin-left: 40px;"> <input checked="" type="checkbox"/> It is also accompanied by a copy of each prior art document cited in this report. </div>			
1. Basis of the report			
<div style="margin-left: 40px;"> a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item. <div style="margin-left: 40px;"> <input type="checkbox"/> the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)). </div> </div>			
<div style="margin-left: 40px;"> b. <input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I. </div>			
2. <input type="checkbox"/> Certain claims were found unsearchable (See Box II).			
3. <input type="checkbox"/> Unity of invention is lacking (See Box III).			
4. With regard to the title.			
<div style="margin-left: 40px;"> <input checked="" type="checkbox"/> the text is approved as submitted by the applicant. <div style="margin-left: 40px;"> <input type="checkbox"/> the text has been established by this Authority to read as follows : </div> </div>			
5. With regard to the abstract.			
<div style="margin-left: 40px;"> <input checked="" type="checkbox"/> the text is approved as submitted by the applicant. <div style="margin-left: 40px;"> <input type="checkbox"/> the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority. </div> </div>			
6. With regard to the drawings,			
<div style="margin-left: 40px;"> a. The figure of the drawings to be published with the abstract is Figure No. 4 <div style="margin-left: 40px;"> <input type="checkbox"/> as suggested by the applicant. <div style="margin-left: 40px;"> <input checked="" type="checkbox"/> As selected by this authority, because the applicant failed to suggest a figure. </div> <div style="margin-left: 40px;"> <input type="checkbox"/> As selected by this Authority, because this figure better characterizes the invention. </div> </div> </div>			
<div style="margin-left: 40px;"> b. <input type="checkbox"/> None of the figures is to be published with the abstract. </div>			

INTERNATIONAL SEARCH REPORT

International application No.
PCT/CA2004/001754A. CLASSIFICATION OF SUBJECT MATTER
H04B-10/17

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
H04B-10

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base, and, where practicable, search terms used)
WPIL; DELPHION; QWEB-PLUSPAT; CPD and (raman and (remote adj optic* adj pump* adj ampli*))

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO0205461 (PAPERNYI et al) 17 January 2002 (17-01-2002) pages 4-8 claims 1 and 19	1-9, 14-16
Y	EP1054521 (HANSEN et al.) 22 November 2000 (22-11-2000) paragraphs [0005] [0019][0027]	1 and 14
Y	WO03052884 (GONCHARENKO et al.) 26 June 2003 (26-06-2003) page 13 lines 14-29; page 14 line 1-9; page 15 lines 1-23	1 and 14
Y	WO03094394 (FELLA) 13 November 2003 (13-11-2003) (Fig 1) page 2 lines 10-21; page 3 line 18 - page 4 line 12	1-9, 14-16
Y	WO0165647 (GILTNER et al.) 7 September 2001 (07-09-2001) Page2 lines 18-30	14
A	US6163636 (STENTZ et al.) 19 December 2000 (19-12-2000) Fig 1; Whole document	1-20

Further documents are listed in the continuation of Box C.

Patent family members are listed in annex.

* Special categories of cited documents :	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent but published on or after the international filing date	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international-type search
3 December 2004 (3-12-2004)Date of mailing of the international-type search report
01 February 2005 (01-02-2005)Name and mailing address of the ISA/CA
Commissioner of Patents
Canadian Patent Office - PCT
Ottawa/Gatineau K1A 0C9
Facsimile No. 1-819-953-9358Authorized officer
Claude Mathieu (819) 997-2163

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: **A. David**
OGILVY RENAULT
 1600 - 1981 McGill College Avenue
 MONTREAL, Quebec
 Canada, H3A 2Y3

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 14975-7PCT	Date of mailing (day/month/year) 01 February 2005 (01-02-2005)
International application No PCT/CA2004/001754	International filing date (day/month/year) 28 September 2004 (28-09-2004)

Applicant MPB COMMUNICATIONS INC. ET AL

- 1 ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and is transmitted herewith.

Filing of amendments and statement under Article 19 :

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46) :

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

DUE ON APR 1 2005

Amendment *mw*

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that :
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for the international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, within **20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/CA <i>Commissioner of Patents</i> <i>Canadian Patent Office</i> <i>Box PCT, Ottawa/Gatineau K1A 0C9</i> Facsimile No.	Authorized officer Lucille Leonard (819) 953-1737
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These Notes are intended to give instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)) :

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter :

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/CA2004/001754

Patent Document Cited in Search Report	Publication Date	Patent Family Member(s)	Publication Date
WO0205461	17-01-2002	AU7562901 A	21-01-2002
		CA2414951 A1	17-01-2002
		CN1457566T T	19-11-2003
		EP1302006 A2	16-04-2003
		JP2004502983T T	29-01-2004
		US6480326 B2	12-11-2002
		WO0205461 A2	17-01-2002
EP1054521	22-11-2000	AU1498400 A	24-08-2000
		CA2298408 A1	19-08-2000
		CN1264231 A	23-08-2000
		DE60000233D D1	01-08-2002
		DE60000233T T2	27-03-2003
		EP1054521 A1	22-11-2000
		ES2179001T T3	16-01-2003
		JP2000244398 A	08-09-2000
		US6323993 B1	27-11-2001
WO03052884	26-06-2003	EP1322005 A1	25-06-2003
		WO03052884 A2	26-06-2003
WO03094394	13-11-2003	ITMI20020922 A1	30-10-2003
		WO03094394 A1	13-11-2003
WO0165647	07-09-2001	CA2400174 A1	07-09-2001
		WO0165647 A2	07-09-2001
US6163636	19-12-2000	EP1022870 A2	26-07-2000
		JP2000214503 A	04-08-2000
		US6163636 A	19-12-2000